

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #1977

**DATE:** May 14, 2002

**PROPOSAL:** To operate an early childhood care facility with no more than 15 children present at any time where the licensed day care provider is not a permanent resident of the facility.

**WAIVER REQUESTS:** None

**LAND AREA:** 5,818 sq. ft.

**CONCLUSION:** If amended, the proposed development complies with the design standards for early childhood care facilities and is consistent with the goals of the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot A, Farrells Replat of Lots 21 and 22, Block 1, Brookline Addition to Lincoln, located in the NE 1/4 of Section 25, T10N, R6E of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

**LOCATION:** S. 25<sup>th</sup> Street, between "J" and "L" Streets - 452 S. 25<sup>th</sup> Street

**APPLICANT:** Susan L. Thelen  
500 Pier 1  
Lincoln, NE 68528  
(402) 476-8635

**OWNER:** Thomas L. and Susan L. Thelen

**CONTACT:** Susan L. Thelen

**EXISTING ZONING:** R-4

**EXISTING LAND USE:** Single family house

### **SURROUNDING LAND USE AND ZONING:**

North: R-4 Single and two-family housing

South: R-4 and R-6 Single and multi-family housing  
East: R-6 Single and multi-family housing  
West: R6 and R-4 Single and multi-family housing

**HISTORY: Oct. 3, 1988** City Council approved Change of Zone #2410, which changed the zoning of this area from R-6 to R-4.

**1979** This area was converted from D Multiple Dwelling District to R-4 Residential in the 1979 Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan specifies this area as Urban Residential. Existing Urban Residential areas should (page 45):

1. Preserve and maintain the community's existing, useable housing stock.
2. Provide an environment for each neighborhood that promotes the safety and well-being of the residents and provides a sense of community.

**UTILITIES:** Available

**TOPOGRAPHY:** Flat

**TRAFFIC ANALYSIS:** S. 25<sup>th</sup> Street is a local street.

**PUBLIC SERVICE:** City of Lincoln Police and Fire service

**ANALYSIS:**

1. This is a request to operate an early childhood care facility for 15 or fewer children. The property will not be used as the permanent residence of the licensed child-care provider.
2. Per §27.17.030(e)(5), which permits early childhood care facilities as a conditional use, "such facilities shall be used as the permanent residence of the licensed child care provider." The proposed facility does not meet this requirement and must receive a special permit.
3. The proposed facility would have a maximum of 15 children and 2 employees. The application provides the four required parking stalls but they do not meet the requirements of the zoning ordinance. Per §27.67.030(a)(2), parking is permitted in the required front yard 2 feet from the front and side lot lines. Parking which is outside the required front yard must also be outside the required side yard. With some adjustments, it appears that the parking requirements can be met.

4. Design standards for early childhood care facilities require a 6' opaque fence around the play area. A chain link fence may be used if additional plant screen is provided. The type of fence needs to be specified on the site plan.
5. Fire Prevention indicates that the house plans must be reviewed for fire and building code approval.
6. With modifications, the proposed development complies with the design standards for early childhood care facilities and is consistent with the goals of the Comprehensive Plan.

**CONDITIONS:**

Site Specific:

1. This approval permits an early childhood care facility for a maximum of fifteen children.

General:

2. Before receiving building permits or occupying the early childhood care facility:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan including 5 copies showing the following revisions:
      - 2.1.1.1 Correct the east-west scale of the drawing on page 1.
      - 2.1.1.2 Identify entrances and exits on pages 1 and 2.
      - 2.1.1.3 Label and dimension the lot lines.
      - 2.1.1.4 Provide a 6' high opaque non-chain link fence around the perimeter of the play area.
      - 2.1.1.5 Parking spaces outside the 25' front yard setback must be 5' from the south lot line.
      - 2.1.1.6 The parking space in the front yard must be 2' away from the front property line.
    - 2.2 The construction plans comply with the approved plans.
    - 2.3 The house plans must be reviewed and found in conformance with fire and building codes.

- 2.4 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
  - 3.1 Before operating this early childhood care facility all development and construction is to comply with the approved plans.
  - 3.2 All privately-owned improvements are to be permanently maintained by the owner.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

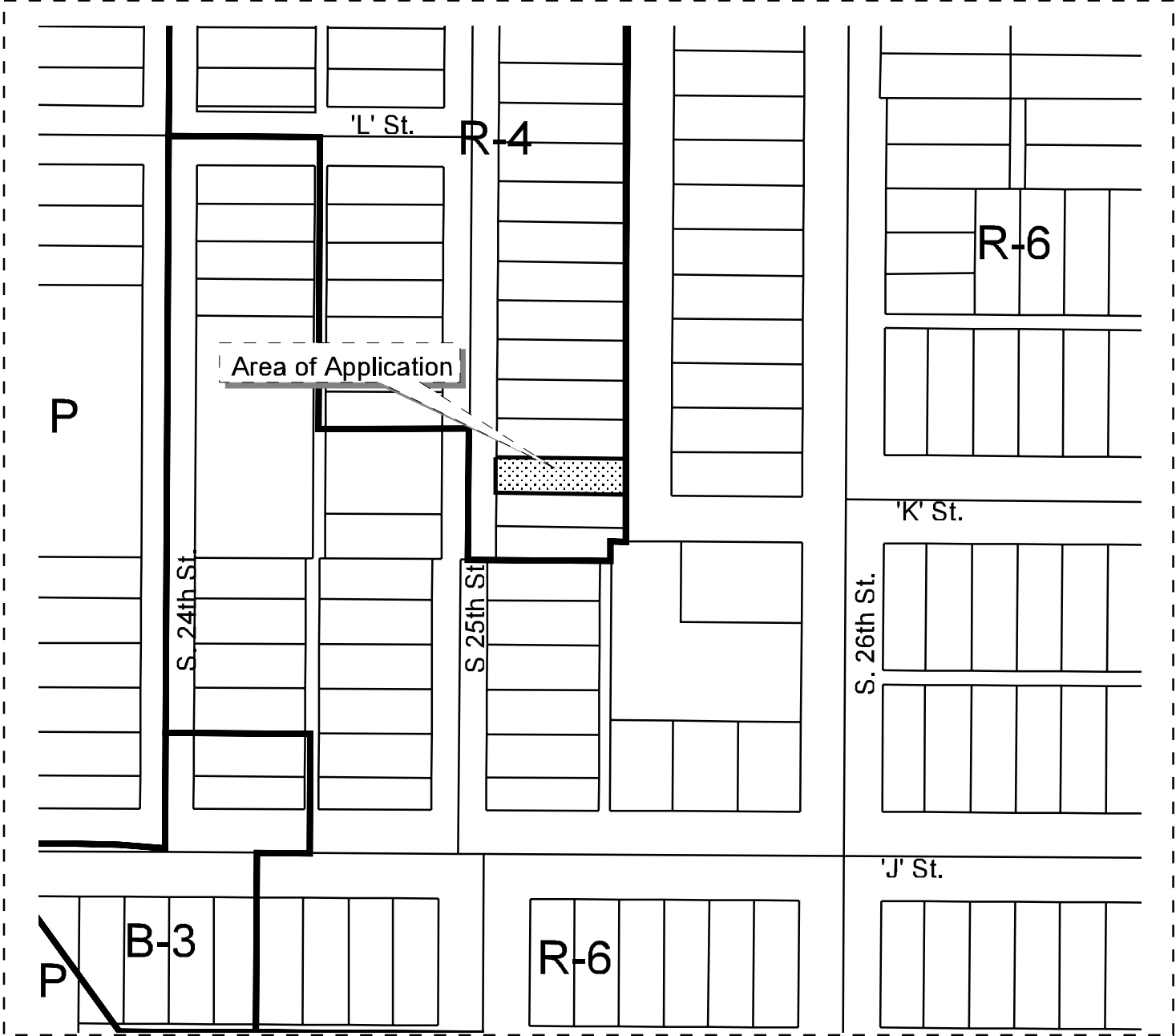
Jason Reynolds  
Planner

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**Special Permit #1977**  
**S. 25th & 'L' St.**





## Special Permit #1977 S. 25th & 'L' St.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

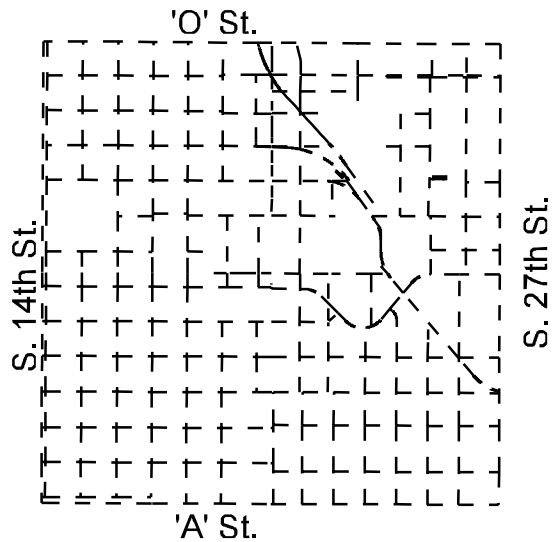
One Square Mile  
Sec. 25 T10N R6E



Zoning Jurisdiction Lines



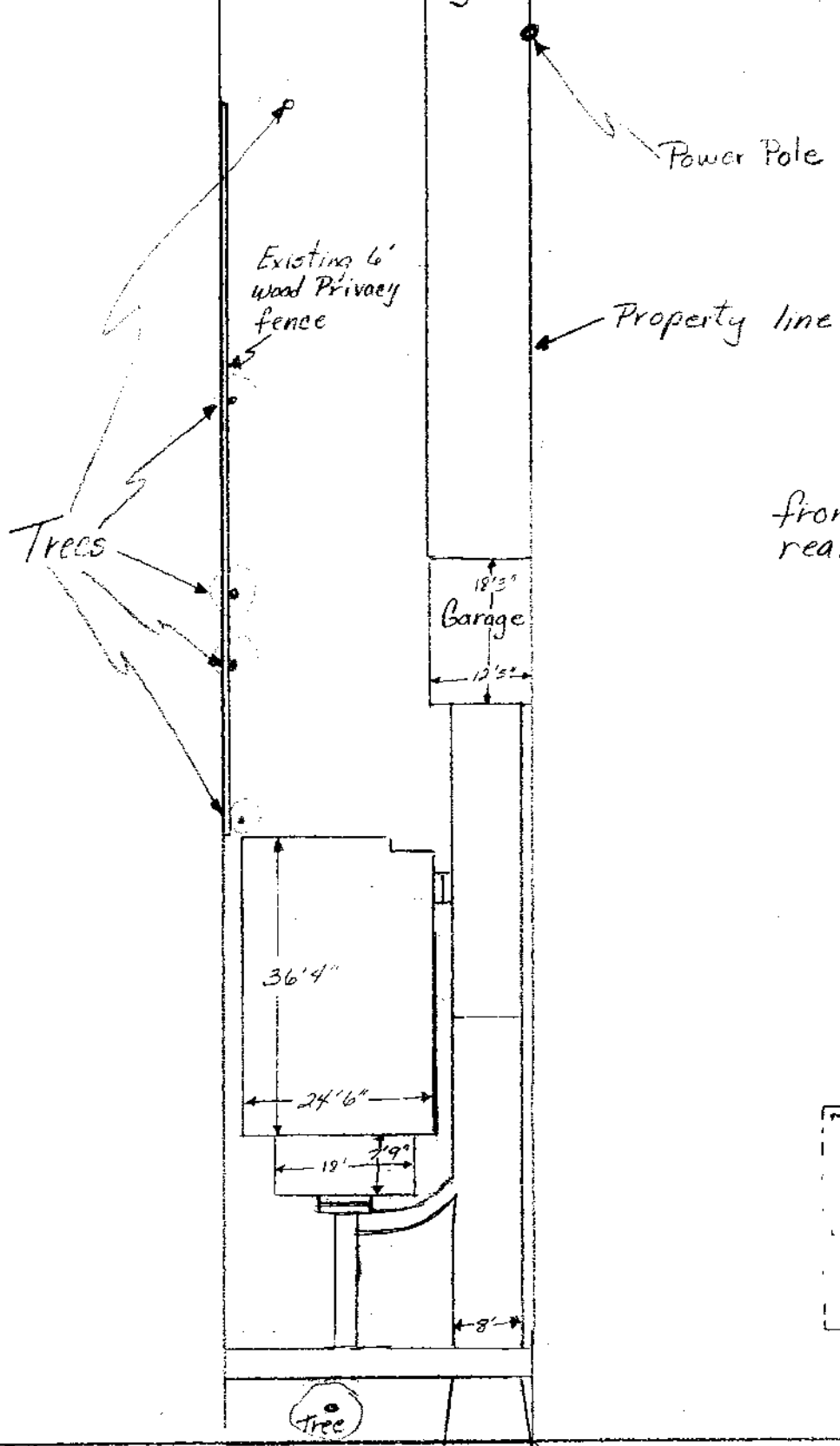
City Limit Jurisdiction



452 S. 25<sup>th</sup> Street

Lot A Farrells Replat of lots 21 and 22  
Block 1 Brookline Addition to Lincoln,  
Lancaster County, Nebraska

Paved Alley



North

Scale 1" = 20"

House Setback Distances

North Setback 2'6"  
West Setback 36'6"  
East Setback 106'3"  
South Setback 12'

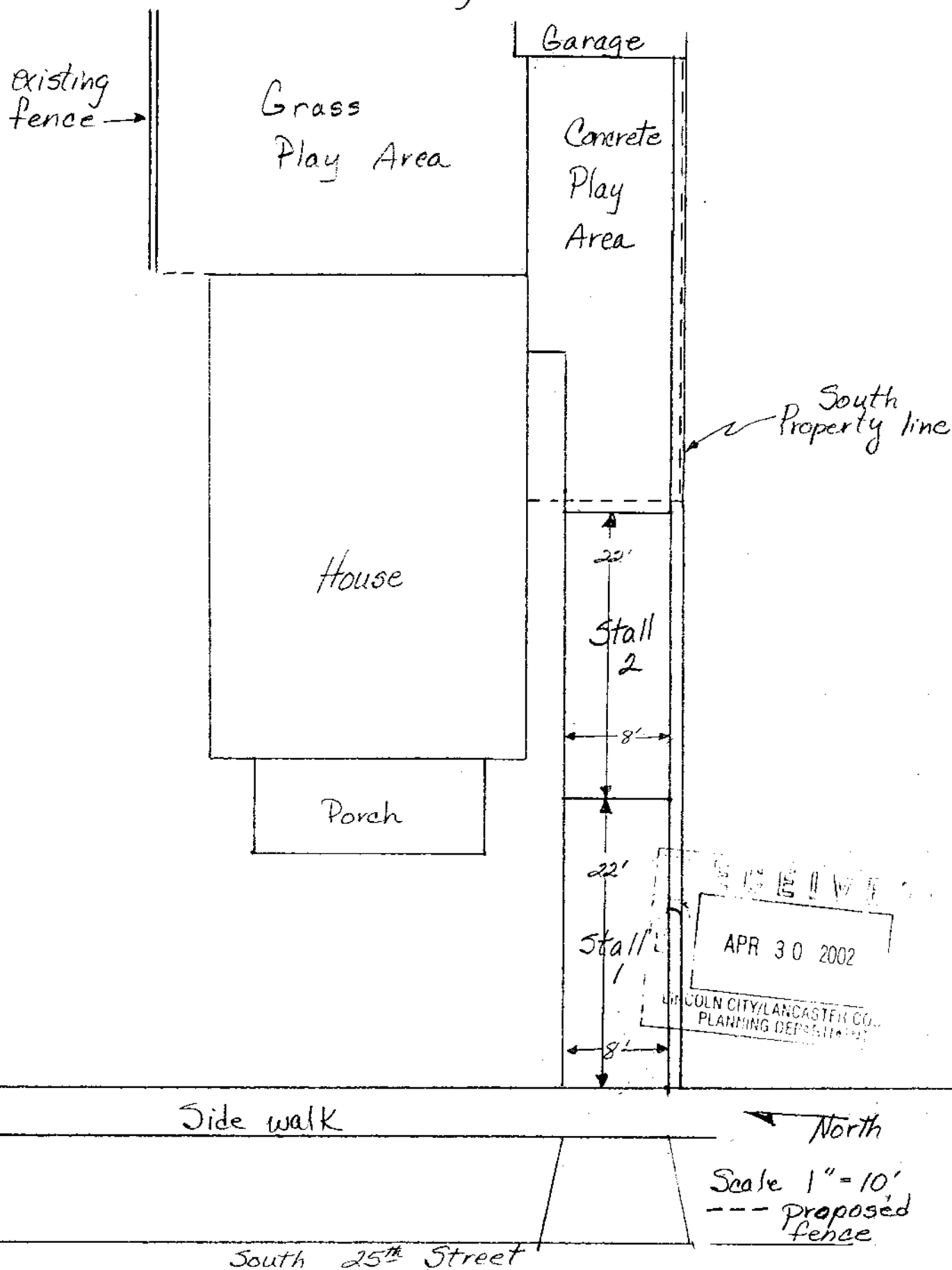
Parking and fencing

front parking & fencing Page 2  
rear parking & fencing Page 3

RECEIVED  
APR 30 2002  
LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

South 25<sup>th</sup> Street

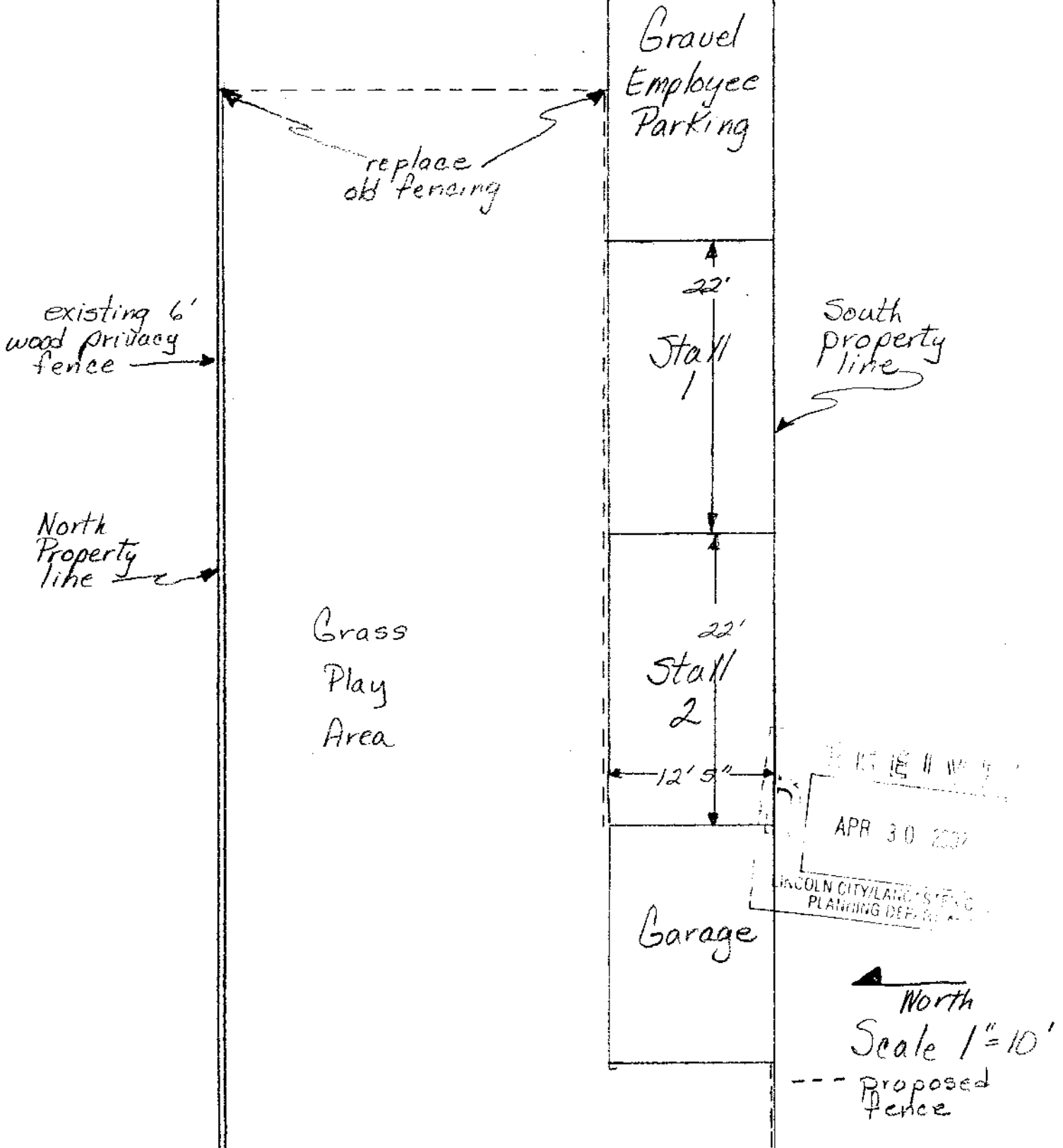
# Front Parking for Parents





# Rear Parking for Employees

Paved Alley





452 S. 25<sup>th</sup> Street

## City of Lincoln, Nebraska

### IMPORTANT

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # **DRF02054**

Address

Job Description: **THELEN CHILD CARE**

Location: **THELEN CHILDCARE**

Special Permit: **Y 1977**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JASON REYNOLDS**

Status of Review: **Denied**

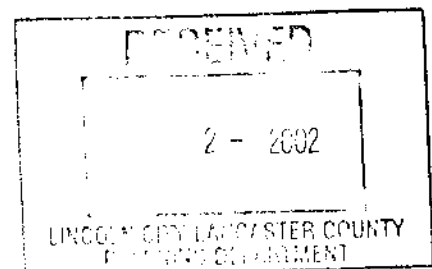
**5/2/2002 10:47:50 AM**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE BOB FIEDLER**

Comments: **House plans need to be reviewed for fire & building code approval.**

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





INTER-DEPARTMENT COMMUNICATION

DATE May 7, 2002

TO Jason Reynolds, City Planning

FROM Sharon Theobald  
(Ext. 7640)

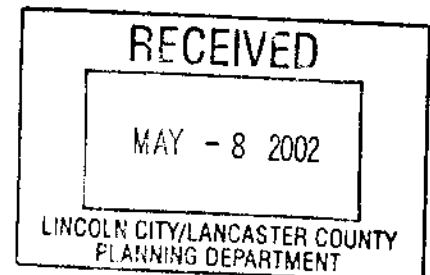
SUBJECT Special Permit #1977

Attached are the Special Permit Request Documents for an Early Childhood Care Facility at 452 South 25th St.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

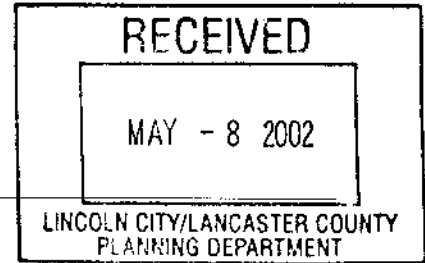
ALLTEL, Time Warner Cable, and the Lincoln Electric System will offer no objections to this request.

*Sharon Theobald*



ST/ss  
Attachment  
c: Terry Wiebke  
Easement File

# M e m o r a n d u m



**To:** Jason Reynolds, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *CB*  
**Subject:** Thelen Childcare, Special Permit # 1977  
**Date:** May 8, 2002  
**cc:** Roger Figard  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed Thelen Childcare facility located at 452 South 25th Street. Public Works has no objections.

# Memo



**To: Jason Reynolds, Planning Department**

**From: Mark Canney, Parks & Recreation**

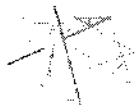
**Date: May 6, 2002**

**Re: Thelen Childcare SP# 1977**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



**Dennis L Roth**

05/02/2002 07:48  
AM

To: JReynolds@ci.lincoln.ne.us  
cc:  
Subject: re: Thelen Childcare

PROJ NAME: Thelen Childcare  
PROJ NMBR: Special Permit 1977  
PROJ DATE: 04/30/02  
PLANNER: Jason Reynolds

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street. In fact this permit only effects only one address, that being 452 S 25th St, and should in no way effect emergency responders.

Dennis "denny" Roth, ESD II/CAD Admin  
Emergency Communications 9-1-1 Center

Public Streets: none  
Private Streets: none

April 30, 2002

City of Lincoln Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

REFERENCE: Special Permit Application – Early Childhood Care Facility

Enclosed please find eighteen (18) copies of the required documents for a special permit application for the opening of an early childhood care facility for 15 or fewer children. I have also enclosed my check # 2184 in the amount of \$195.00 for the special permit filing fee.

If any additional information is needed, please call me at 476-8635.

Thank You!



Susan L. Thelen  
500 Pier 1  
Lincoln, NE 68528  
Phone: (402) 476-8635  
E-mail: [thelenfamily@neb.rr.com](mailto:thelenfamily@neb.rr.com)

Enclosures  
043002Permit.doc





## CITY OF LINCOLN ZONING APPLICATION

Honorable City Council

Date April 29, 2002

City of Lincoln, Nebraska

Application No. 1977

Under the provisions of Title 27 of the Lincoln Municipal Code, the undersigned hereby applies for a:

<input type="checkbox"/> Change of zone from _____ to _____	<input checked="" type="checkbox"/> (X) Special Permit
<input type="checkbox"/> Change of zone, (text) 27. _____ <i>*NOTE: City policy requests that text amendments be presented to the Mayor's Neighborhood Roundtable</i>	<input type="checkbox"/> Administrative Special Permit (Wireless)
Presentation Date _____	SP Pre-application Conference Date _____
<input type="checkbox"/> Use Permit <input type="checkbox"/> Pre-Existing Use Permit	<input type="checkbox"/> Pre-Existing Special Permit # _____
<input type="checkbox"/> Waiver of Design Standards	<input type="checkbox"/> Administrative Amendment to SP _____; UP _____; PUD _____
	<input type="checkbox"/> Miscellaneous

To Open an early childhood care facility for 15 or fewer children as per Section 27.17.040W

(Indicate purpose of application)

Property Owner: Thomas L. and Susan L. Thelen 402- 476-8635

500 Pier 1, Lincoln, Ne 68528

[thelenfamily@neb.rr.com](mailto:thelenfamily@neb.rr.com)

Applicant: Susan L. Thelen 402-476-8635

500 Pier 1, Lincoln, Ne 68528

[thelenfamily@neb.rr.com](mailto:thelenfamily@neb.rr.com)

Contact Name: Susan L. Thelen 402-476-8635

500 Pier 1, Lincoln, Ne 68528

[thelenfamily@neb.rr.com](mailto:thelenfamily@neb.rr.com)

Project Legal Description: Lot A, Farrells Replat of Lots 21 &amp; 22 Block 1, Brookline Addition to Lincoln, Lancaster Co. Ne

APR 30 2002

) See attached Legal Description (hard copy and digital if available)

Project Address/Location: 452 South 25<sup>th</sup> Street, Lincoln, Ne 68510LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENTApplicant's (Permittee's) Signature *Susan L. Thelen*Property Owner's Signature *Susan L. Thelen*

\* NOTE: If applicant is not owner of the premises, the owner's signature (or written permission of the owner authorizing the applicant to sign on behalf of the owner) must be affixed to this application. The applicant and owner's signatures (or owner's written permission) certifies that permission is granted by the owner to all authorized city/county personnel to enter the premises for the purpose of review of this application.

\*\*NOTE: Change of Zone applications do not require the property owner's signature.

Planning Department Use Only:

Permit Name & Location	PAS No.
Date	Fee Paid \$
Planner	Receipt No.

2 employees max per applicant 5/14/02  
telephone call 1135 pm